

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	Crim. No. 05-47-01-JD
ROBERT S. LEVINE)	
)	
Defendant.)	
_____)	

AMENDED ORDER OF FORFEITURE

This matter is before the Court on the United States' motion to substitute certain property of Defendant Robert S. Levine in partial satisfaction of the \$1,405,834.00 in money judgments imposed on Levine as part of the sentence entered on December 1, 2005. After reviewing the United States' Motion and the Plea Agreement of Robert S. Levine, this Court concludes that the United States has satisfied the requirements of 21 U.S.C. § 853(p) for the forfeiture of substitute assets by demonstrating that the proceeds of Levine's offenses cannot be located upon the exercise of due diligence.

Accordingly, IT IS ORDERED THAT:

1. Levine's interest in Fleet Bank cashier's check number 732202264 in the amount of \$2,500.00, and General American Life Insurance Company check number 30046550 in the amount of \$3,500.00 is hereby forfeited as substitute assets to the United States in partial satisfaction of the \$1,405,834.00 money judgments.

2. The forfeited Fleet Bank cashier's check number 732202264 in the amount of \$2,500.00, and the forfeited General American Life Insurance Company check number 30046550 in the amount of \$3,500.00 are already in the custody of the United States.

3. The United States shall provide written notice to known potential claimants and shall publish notice of the Amended Order of Forfeiture and of its intent to dispose of the above-described property in such a manner as the United States Attorney General may direct. This publication shall include notice of this Order and the intent of the United States to dispose of the property in such a manner as the laws of the United States may permit. Any persons, other than the defendant, Robert S. Levine, asserting a legal interest in the above-described assets shall, within thirty (30) days of the final publication date of the Legal Notice, or on receipt of direct written notice thereof, whichever is earlier, petition this Court for a hearing to adjudicate the validity of the alleged interest in the property. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the property, the time and circumstance of the petitioner's acquisition of the right, title or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought. The petitioner and his/her attorney shall send a copy of the petition to Robert J. Rabuck, Assistant U.S. Attorney, James Cleveland Federal Building, 53 Pleasant Street, Concord, NH 03301.

4. If petitions are filed, upon adjudication of the ancillary proceeding, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which any/all third-party claims will be addressed.

5. The Clerk shall send copies of this Amended Order of Forfeiture to the United States Attorney's Office, the United States Probation Office and counsel for all parties, and shall send three Certified copies of this Amended Order of Forfeiture to the United States Attorney's Office.

Entered this 30th day of June, 2009

/s/ Joseph A. DiClerico, Jr.
United States District Judge